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PATENT APPLICATION

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IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of:)	
	:	Examiner: P. Kim
Mitsuya SATO)	
	:	Group Art Unit: 2851
Application No.: 09/940,461)	
	:	
Filed: August 29, 2001)	March 10, 2003
	:	
For: EXPOSURE APPARATUS AND)	
METHOD, DEVICE MANUFACTURING	:	
METHOD, AND DISCHARGE LAMP)	

Commissioner for Patents
Washington, D.C. 20231

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RESPONSE TO RESTRICTION REQUIREMENT

Sir:

Applicant respectfully traverses the restriction requirement set forth in the Office
Action dated February 11, 2003.

In the Office Action, the Examiner sets forth a restriction requirement between two
groups of claims. Group I, claims 1, 12 and 25-30, is drawn to an exposure apparatus, a
device manufacturing method, a discharge lamp and an exposure method, and is classified
in class 355, subclass 67. Group II, claims 31-35, is drawn to a discharge lamp, and is
classified in class 315, subclass 71.

The Examiner contends that the inventions of Groups I and II are related as combination and subcombination, and have acquired a separate status in the art as shown by their different classification such that the searches are not coextensive, requiring separate examination. These contentions are respectfully traversed.

Initially, Applicant notes that the inventions of Groups I and II are linked together by linking claims 29 and 30. Specifically, independent claim 1 recites an exposure apparatus using a discharge lamp as a light source, and claim 29 recites a discharge lamp used as a light source of the exposure apparatus described in claim 1, in which the discharge lamp has a mark or shape capable of being recognized by a sensor when the discharge lamp is used in the exposure apparatus. Similarly, independent claim 12 recites an exposure apparatus using a discharge lamp as a light source, and claim 30 recites a discharge lamp used as a light source of the exposure apparatus described in claim 12, in which the discharge lamp has a mark or shape capable of being recognized by a sensor when the discharge lamp is used in the exposure apparatus. Still further, independent claim 31 of Group II recites a discharge lamp used as a light-emitting source of a light source device, the discharge lamp having a mark or shape capable of being recognized by a sensor when the discharge lamp is used in the device. Since independent claim 31 of Group II recites features substantially similar to those recited in claims 29 and 30 of Group I, Applicant respectfully submits that the inventions of Groups I and II are linked by claims 29 and 30, so that the inventions of Groups I and II should be examined at the same time.

Further, Applicant, therefore, notes that the inventions of Groups I and II are so closely related in the field of exposure using discharge lamps that a proper search of any of the claims would, of necessity, require a search of the others. Thus, it is submitted that all of the claims can be searched simultaneously, and that a duplicative search, with possibly inconsistent results, may occur if the restriction requirement is maintained.

Applicant further submits that any nominal burden placed upon the Examiner to search an additional subclass or two, necessary to determine the art relevant to Applicant's overall invention, is significantly outweighed by the public interest in not having to obtain and study several separate patents in order to have available all of the issued patent claims covering Applicant's invention. The alternative is to proceed with the filing of multiple applications, each consisting of generally the same disclosure, and each being subjected to essentially the same search, perhaps by different Examiners on different occasions. This places an unnecessary burden on both the Patent and Trademark Office and on Applicant.

In the interest of economy, for the Office, for the public-at-large and for Applicant, reconsideration and withdrawal of the restriction requirement are requested.

Nevertheless, in order to comply with the requirements of 37 CFR 1.143, Applicant provisionally elects, with traverse, to prosecute the invention of Group I, namely claims 1, 12 and 25-30. In addition, Applicant requests that claims 31-35 of Group II also be examined at this time inasmuch as the claims of this grouping are linked with the claims of the first grouping.

Favorable consideration and an early passage to issue are also requested.

Applicant's undersigned attorney may be reached in our Washington, D.C. office by telephone at (202) 530-1010. All correspondence should be directed to our address listed below.

Respectfully submitted,

A handwritten signature in black ink, appearing to read "Steven E. Warner", is written over a horizontal line.

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